NOR HAMDAN MOHAMAD v. PP

COURT OF APPEAL, PUTRAJAYA
AZIAH ALI JCA
AHMADI ASNAWI JCA
ZAMANI A RAHIM JCA
[CRIMINAL APPEAL NO: B-05-15-01-2014]
11 MAY 2015

CRIMINAL LAW: *Penal Code – Section 302 – Murder – Whether death caused by accused – Whether accused knew act so imminently dangerous and nonetheless committed it – Whether others involved in inflicting injury on deceased – Whether appellant's act sufficient to fasten knowledge that it would in all probability cause death or such bodily injury as was likely to cause death – Whether death of deceased could be attributed to appellant alone – Whether prima facie case of murder established – Whether there was sufficient evidence for culpable homicide not amounting to murder – Penal Code, ss. 300(d), 304(a)*

EVIDENCE: *Witnesses – Corroboration – Whether interested witnesses – Discrepancies in evidence – Whether veracity and truthfulness questionable*

The appellant, a prisoner at Kajang Prison was charged for the murder of one Lui Hoh Hiong ('the deceased') under s. 302 of the Penal Code ('the Code'). The appellant's case was that the deceased was in the same cell with him prior to his death. It was alleged that the deceased was beaten by two other inmates and subsequently, several inmates assaulted the deceased by slapping and kicking the deceased at his back, his ribs and his head. The appellant admitted that he had also assaulted the deceased. Thereafter, the deceased, upon being found to be in pain, was taken to the hospital where he was later pronounced dead. A post mortem result confirmed the cause of death was due to 'traumatic asphyxia'. At the end of the trial, the appellant was convicted and sentenced to death by the High Court. Hence, the present appeal. The issues raised during appeal were: (i) the prosecution had failed to prove that the appellant possessed sufficient knowledge that his act, in all probability would cause death of the deceased or such bodily injury as was likely to cause death within limb (d) of the s. 302 of the Code; and (ii) the trial judge had failed to evaluate the evidence of SP7 and SP9 as they were accomplices.

Held (allowing appeal; setting aside conviction of murder and substituting with culpable homicide not amounting to murder and sentencing to 20 years imprisonment)
Per Zamani A Rahim JCA delivering the judgment of the court:

(1) In order for proviso (d) to s. 300 of the Code to apply, the appellant must know that the act he is committing is so imminently dangerous and nonetheless commits it in utter disregard that death would result from such act. Proviso (d) could also be interpreted to include the doing of an act to an individual alone. However, in the present case, the

A prosecution failed to prove that the appellant knew that his act of kicking the deceased was so imminently dangerous that it must in all probability cause death or such bodily injury as was likely to cause death. (paras 7, 9 & 10)

B **(2)** Even if the prosecution had succeeded in proving that the appellant had kicked the deceased, it was still doubtful that the appellant alone and he alone had inflicted the severe and multiple broken ribs on the deceased which culminated in his death due to 'traumatic asphyxia'. On the evidence, the appellant's act of kicking the deceased was insufficient to fasten knowledge that the appellant knew that his act in all probability C would cause death. (paras 11 & 12)

(3) Both SP7 and SP9 had witnessed that the deceased was assaulted by the appellant. However, they had said that they did not participate in the beating of the deceased. The witnesses might have a purpose of their own to serve or to exonerate themselves from any wrongdoing. D Therefore, their testimonies ought to be treated with caution and therefore corroboration was required if their evidence were to be acted upon. The testimonies of SP7 and SP9 were at variance as regard of the duration and the manner the deceased was beaten up. Their evidence had also contradicted the evidence of SD2, the prison warden, on material E issues and as such their veracity and truthfulness were questionable. (paras 15, 16, 18 & 21)

(4) On the issue of the broken ribs which caused 'traumatic asphyxia', there was not an iota of evidence before the trial court that the appellant had imposed his body weight or he had sat on the body of the deceased or F he had compressed/applied pressure on the chest of the deceased which culminated in the death of the deceased. (para 25)

(5) The appellant would have known that his assault on the deceased would cause bodily injury to the deceased but the appellant would not have known that his assault would most probably result in the death of the G deceased. Further, the court took note that SP6, the consultant pathologist, had stated that there could have been more than one assailant. Therefore the death of the deceased could not be attributed to the appellant alone. (para 28)

H **(6)** The prosecution had failed to establish a *prima facie* case of murder under s. 302 of the Code. However, there was sufficient evidence for an offence of culpable homicide not amounting to murder under s. 304(a) of the Code against the appellant. The appellant was accordingly found guilty, convicted and sentenced to 20 years imprisonment. (para 29)

I ***Bahasa Malaysia*** *Translation Of Headnotes*

Perayu, seorang banduan di Penjara Kajang dipertuduh atas kesalahan membunuh seorang yang bernama Lui Hoh Hiong ('si mati') di bawah s. 302 Kanun Keseksaan ('Kanun'). Kes perayu adalah bahawa si mati berada di

dalam bilik penjara yang sama dengannya sebelum kematiannya. Didakwa bahawa si mati telah dipukul oleh dua orang banduan lain dan kemudiannya, beberapa banduan telah menyerang si mati dengan menampar dan menendang si mati di bahagian belakang, rusuk, dan kepalanya. Perayu mengaku bahawa dia juga turut menyerang si mati. Selepas itu, si mati, apabila didapati berada dalam kesakitan, telah dibawa ke hospital di mana dia telah disahkan mati. Keputusan bedah siasat mengesahkan bahawa kematian si mati adalah disebabkan oleh 'traumatic asphyxia'. Di akhir perbicaraan, perayu telah disabitkan dan dijatuhkan hukuman mati oleh Mahkamah Tinggi. Oleh itu, rayuan ini. Isu-isu yang dibangkitkan semasa rayuan adalah: (i) pihak pendakwaan telah gagal membuktikan bahawa perayu mempunyai pengetahuan yang mencukupi bahawa tindakannya, kemungkinan besar akan mengakibatkan kematian si mati atau kecederaan badan yang berkemungkinan membawa maut di bawah bahagian (d) s. 302 Kanun; (ii) hakim bicara telah gagal menilai keterangan SP7 dan SP9 kerana mereka adalah rakan sejenayah.

Diputuskan (membenarkan rayuan; mengenepikan sabitan bagi pembunuhan dan menggantikannya dengan homisid salah yang tidak terjumlah kepada pembunuhan dan menjatuhkan hukuman 20 tahun penjara)

Oleh Zamani A Rahim HMR menyampaikan penghakiman mahkamah:

(1) Bagi proviso (d) s. 300 Kanun digunapakai, perayu mestilah mengetahui bahawa tindakan yang dilakukannya nyata berbahaya dan masih melakukannya dengan tidak menghiraukan langsung bahawa tindakan tersebut akan mengakibatkan kematian. Proviso (d) juga boleh ditafsirkan sebagai termasuk perlakuan sesuatu tindakan kepada seorang individu. Walau bagaimanapun, dalam kes ini, pihak pendakwaan telah gagal membuktikan bahawa perayu mengetahui tindakannya menendang si mati adalah nyata berbahaya di mana ia akan, besar kemungkinan, mengakibatkan kematian atau kecederaan diri yang mungkin membawa maut

(2) Walaupun pihak pendakwaan telah berjaya membuktikan bahawa perayu telah menendang si mati, ia masih diragui bahawa hanya perayu seorang sahaja yang telah menyebabkan beberapa kepatahan pada tulang rusuk si mati dengan teruk yang seterusnya membawa kepada kematiannya akibat 'traumatic asphyxia'. Berdasarkan keterangan, tindakan perayu menendang si mati tidak cukup untuk mengaitkan pengetahuan bahawa perayu mengetahui tindakannya kemungkinan besar akan membawa maut.

(3) Kedua-dua SP7 dan SP9 telah menyaksikan bahawa si mati telah diserang oleh perayu. Walau bagaimanapun, mereka telah menyatakan bahawa mereka tidak terlibat dalam memukul si mati. Saksi-saksi tersebut mungkin mempunyai tujuan tersendiri untuk melepaskan diri

A mereka daripada apa-apa salah laku. Oleh itu, keterangan mereka wajar dipertimbangkan dengan berhati-hati dan oleh itu, keterangan sokongan diperlukan jika keterangan mereka akan digunapakai. Keterangan SP7 dan SP9 berkenaan tempoh dan cara si mati dipukul berbeza. Keterangan mereka juga bercanggah dengan keterangan warden penjara,
B SD2, atas isu-isu penting dan oleh itu kesahihan dan kebenaran keterangan mereka boleh dipertikaikan.

(4) Berkaitan isu kepatahan tulang rusuk yang mengakibatkan 'traumatic asphyxia', tidak ada secebis keterangan di mahkamah bicara bahawa perayu telah meletakkan berat badannya atau dia telah duduk atas mayat
C si mati atau dia telah menghempap/memberikan tekanan pada dada si mati yang membawa kepada kematian si mati.

(5) Perayu sewajarnya mengetahui bahawa serangannya terhadap si mati akan mengakibatkan kecederaan badan kepada si mati tetapi perayu tidak akan mengetahui bahawa serangannya berkemungkinan besar akan
D mengakibatkan kematian si mati. Selanjutnya, mahkamah mengambil perhatian bahawa SP6, pakar perunding patologi, telah menyatakan bahawa mungkin ada lebih daripada seorang penyerang. Oleh itu kematian si mati tidak boleh dikatakan disebabkan oleh perayu seorang sahaja.

E

(6) Pihak pendakwaan telah gagal membuktikan kes *prima facie* pembunuhan di bawah s. 302 Kanun. Walau bagaimanapun, terdapat keterangan yang mencukupi bagi kesalahan homisid salah yang tidak terjumlah kepada pembunuhan di bawah s. 304(a) Kanun terhadap perayu. Perayu oleh itu didapati bersalah, disabitkan dan dijatuhkan
F hukuman 20 tahun penjara.

Case(s) referred to:
Kuan Ted Fatt v. PP [1985] 1 CLJ 150; [1985] CLJ (Rep) 174 FC ***(refd)***
Lim Boon San v. PP [1967] 1 LNS 86 HC ***(refd)***
Magendran Mohan v. PP [2011] 1 CLJ 805 FC ***(refd)***
G *Murugan Arumugam v. PP [2013] 5 CLJ 69 CA* ***(refd)***
PP v. Mahfar Sairan [2000] 7 CLJ 600 HC ***(refd)***
Sabarudin Non v. PP & Other Appeals [2005] 1 CLJ 466 CA ***(refd)***

Legislation referred to:
Penal Code, ss. 299, 300, 302, 304(a)

H **Other source(s) referred to:**
Ratanlal & Dhirajlal Law of Crimes, 24th edn, p 12797

For the appellant - Salim Bashir; M/s Salim Bashir, Ruswiza & Co
For the respondent - Muhammad Ilmami Ahmad; DPP

I *[Appeal from High Court, Shah Alam; Criminal Trial No: 45B-168-07-2012]*

Reported by S Barathi

JUDGMENT

Zamani A Rahim JCA:

[1] The appellant was charged and tried before the High Court at Shah Alam for an offence of murder of Lui Hoh Hiong under s. 302 of the Penal Code. The charge reads as follows:

> Bahawa kamu pada 16 April 2012 jam lebih kurang 4.30 pagi, bertempat di Bilik No. 2, Blok Gemilang, Penjara Kajang, dalam Daerah Kajang, dalam Negeri Selangor Darul Ehsan, telah melakukan bunuh dengan menyebabkan kematian terhadap seorang lelaki bernama Lui Hoh Hiong (No. K/P: 610403-10-6255 dan oleh yang demikian, kamu telah melakukan satu kesalahan yang boleh dihukum di bawah seksyen 302 Kanun Keseksaan.

[2] At the end of the trial, the appellant was convicted and sentenced to death by the High Court Judge. Hence this appeal.

Prosecution's Case

[3] Briefly the prosecution's version may be summarised as follows:

(a) On 16 April 2013, at about 3.45am together with Cpl. Fazin and Cpl. Mat Sani, Sgt. Wan Dzulkifli bin Wan Teh, (SP4) were on foot patrol in the area of Zone 3, inside Kajang Prison, and upon arrival in front of Blok Gemilang, the prisoner, Lui Hoh Hiong (deceased) complained to SP4 that he was in pain.

(b) On the instruction of SP4, the deceased was carried on a stretcher to the sick bay by Cpl. Fazin and Cpl. Mat Sani. Upon arrival at the sick bay at about 4.15am, the deceased was examined by a medical orderly at the Health Clinic, Kajang Prison, Rodzil Azhar bin Abu (SP5). SP5 found the deceased to be unconscious, no response and his pulse rate was very weak.

(c) On further instruction by a prison C/Insp. Shamsul Azhar, the deceased was escorted to Kajang Hospital by prison warden, Dzulkifli bin Baharin (SP3) and prison warden, Azmi bin Masang. On arrival at the Kajang Hospital at about 5am, the deceased was examined by Dr. Nurul Shahida bt Mohd Shafie who pronounced the deceased dead at 5.18am.

(d) A police report was lodged by SP3 *vide* Kajang Report No. 12152/12, P8.

(e) A postmortem was conducted by consultant pathologist, Dr. Abdul Karim bin Hj. Tajudin, (SP6) who confirmed that the cause of death was 'traumatic asphyxia'.

Defence Case

[4] The appellant gave evidence on oath and he called a prison warden, Dzul bin Mondar (SD2) in support of his defence. The defence may be summarised as follows:

(a) The appellant was a prisoner at Kajang Prison. He was placed in cell No. 9, located on the ground floor of Blok Gemilang. He has been an inmate for the last two years.

(b) There were ten other inmates in cell No. 9. The appellant could not remember the names of the other inmates. He could only remember one called 'Penang' (Nor Azman) and another called 'Tan' (Ganesan).

(c) The deceased was in cell No. 9 for about one week before his death.

(d) On 15 April 2012, the deceased was beaten by Penang and Tan. They beat him using hands and legs. The appellant did not participate in the assault of the deceased.

(e) On 16 April 2012 at about 3am, several inmates numbering eight of them assaulted the deceased. They slapped, kicked at the back, the ribs and his head. The appellant admitted that he had also assaulted the deceased. They beat the deceased for about 5 to 10 minutes. The deceased screamed in pain. The prison warden on duty, SD2 came to the cell. SD2 enquired from the deceased and the latter did not tell him anything, but he appeared to be in pain.

(f) The deceased was suffering from tuberculosis.

The Appeal

[5] Learned counsel canvassed two issues before us. The first issue was that the prosecution has failed to prove that the appellant possessed sufficient knowledge that his act, in all probability would cause death of the deceased or such bodily injury as is likely to cause death within limb (d) of s. 300. The second issue relates to the trial judge's failure to evaluate the evidence of Ng Lea Chong, (SP7) and Dorajasingam a/l Tabiraja, (SP9) as they were accomplices.

Our Findings

[6] Having heard the appeal, we found that there were merits in the grounds raised by the appellant. We therefore unanimously allowed the appeal and we set aside the conviction of murder under s. 302 of the Penal Code by the High Court. However, we found that there was sufficient evidence of culpable homicide not amounting to murder, an offence under s. 304(a) of the Penal Code. We therefore convicted and sentenced the appellant to 20 years imprisonment with effect from 9 September 2014. We now give our reasons.

[7] The prosecution is relying on proviso (d) of s. 300 of the Penal Code. For this provision to apply, the appellant must know that the act he is committing is so imminently dangerous and nonetheless commit it in utter disregard that death would result from such act.

[8] In *PP v. Mahfar Sairan* [2000] 7 CLJ 600; [2000] 4 MLJ 791, the court cited with approval *Ratanlal & Dhirajlal Law of Crimes* (24th edn.) at p. 12797, which states that proviso (d) contemplates the doing of an imminently dangerous act to people in general and not the doing of any act to any particular individual. The illustration (d) of s. 300 (of firing a loaded canon into a crowd) serves to illustrate the point.

[9] However, proviso (d) could also be interpreted to include the doing of an act to an individual alone. In the instant case, the prosecution must prove that the appellant knew that his act, in the manner in which he did it, was so imminently dangerous.

[10] The evidence showed that the prosecution has failed to prove that the appellant knew that his act of kicking the deceased was so imminently dangerous that it must in all probability cause death or such bodily injury as is likely to cause death.

[11] Even if the prosecution had succeeded in proving that the appellant had kicked the deceased, it is still doubtful that the appellant alone and he alone, had inflicted the severe and multiple broken ribs on the deceased which culminated in his death due to 'traumatic asphyxia'.

[12] On the available evidence, the appellant's act of kicking the deceased is insufficient to fasten knowledge that the appellant knew that his act in all probability would cause death. In *Mahfar bin Sairan*'s case, *supra* the court said:

> He would be expected of course as a reasonable man to know in that situation that some grievous hurt would be caused to the diseased but this is certainly insufficient to find a case within proviso (d) of s. 300. To find a case under provision (d) of s. 300 the knowledge required is no less than knowledge that his act would in all probability cause death or such bodily injury as is likely to cause death. And nothing less would suffice.

[13] The consultant pathologist, SP6 said that the cause of 'traumatic asphyxia' is due to compressed ribs which might have resulted from heavy objects having been placed on the deceased's chest, though he did not rule out that repeated stomping might have resulted in the same.

[14] The second issue relates to the credibility of the evidence of Ng Lea Chong, (SP7) and Dorajasingam a/l Tabiraja, (SP9). The prosecution had relied on these two eye witnesses, SP7 and SP9 to bring home the charge of murder against the appellant.

[15] The prosecution submitted that SP7 and SP9 were in the cell - the scene of the assault. They witnessed that the deceased was assaulted by the appellant. However they said that they did not participate in the beating of

the deceased. Learned Deputy Public Prosecutor argued that the evidence of SP7 and SP9 were entitled to credence and they were not accomplices; see *Sabarudin Non v. PP & Other Appeals* [2005] 1 CLJ 466; [2005] 4 MLJ 37 and *Kuan Ted Fatt v. PP* [1985] 1 CLJ 150; [1985] CLJ (Rep) 174; [1985] 1 MLJ 211.

[16] Learned counsel, however, contended that SP7 and SP9 were accomplices. With respect, we are unable to agree. Both SP7 and SP9 claimed that they were not involved in attacking the deceased, but neither did they render any assistance to the deceased. They tried to distance themselves from the incident. We are of the view that both SP7 and SP9 may have a purpose of their own to serve or to exonerate themselves from any wrong doing. Their testimonies ought to be treated with caution and therefore corroboration was required, if their evidence were to be acted upon: see *Magendran Mohan v. PP* [2011] 1 CLJ 805; [2011] 6 MLJ 1, and *Lim Boon San v. PP* [1967] 1 LNS 86; [1968] 2 MLJ 45.

[17] SP7 said that the beating of the deceased took place on 14 April 2012 and 15 April 2012. The appellant had taken turns with Penang and Tan to beat up the deceased.

[18] The testimonies of SP7 and SP9 are at variance as regard of the duration and the manner the deceased was beaten up. SP7 testified that on 16 April 2012 the deceased was beaten up by the appellant from 8pm until 2.30am (17 April 2012), a duration of about 6½ hours.

[19] On the other hand, SP9 said that the deceased was beaten from 8pm until 12.30am, which was two hours shorter than the duration testified by SP7. Unlike SP7, SP9 said he did not see anyone beating the deceased on 14 April 2012.

[20] SD2 was on duty at Blok Gemilang from 11.30pm on 16 April 2012 to 2am on 17 April 2012. He would normally sit at a table on the ground floor, about 15-20 metres away from cell No. 9. SD2 testified that he would go on foot patrol every 30 minutes at every level of the said blok. If there was any noise, SD2 would be able to peep through a small window as can be seen in the photograph, exh. P5(5).

[21] The evidence of SP7 and SP9 appeared to have contradicted the evidence of SD2 on material issues and as such their veracity and truthfulness are questionable. In *Lim Boon San v. PP* [1967] 1 LNS 86; [1968] 2 MLJ 45, which was referred to with approval by the Federal Court in *Magendran Mohan v. PP* [2011] 1 CLJ 805; [2011] 6 MLJ 1 observed at p. 819 (CLJ); p. 12 (MLJ) as follows:

> … where a witness may be regarded as having a purpose of his own to serve, the judge must direct his mind on the danger of convicting on the uncorroborated evidence of such witness.

[22] On the totality of evidence adduced by the prosecution, we were not satisfied that the appellant intended to kill the deceased or the appellant had the knowledge that his act would in all probability cause death to the deceased. Though several external injuries were found on the deceased's body, they were mostly bruises, lacerations and haematoma on the temporal and left occipital region which were not fatal in nature, save the multiple broken ribs on the deceased's chest which caused 'traumatic asphyxia', that led to the death of the deceased.

[23] In examination-in-chief, SP6 explained 'traumatic asphyxia' at p. 42 of appeal record vol. 1 as follows:

S: Adakah hentakan yang kuat juga boleh menyebabkan keadaan sedemikian rupa?

J: Tapi ini macam daerah yang luas juga, saya dapat bayangkan kalau kita duduk dengan mengejut pada dada orang itu atau menindih benda yang besar dengan kuat. Tapi kalau macam ini saya condong untuk menyatakan ia dihimpit di bahagian dada sehingga dia tidak dapat bernafas menyebabkan patah dan paru-paru tidak dapat berkembang. Jadi itu yang menyebabkan kematiannya.

S: Mengikut sebab kematian dalam postmortem ialah "traumatic asphyxia"?

J: "Traumatic asphyxia" itu maksudnya, ditindih akibat trauma dan akibatnya dia tidak dapat bernafas akibat tekanan tertindih.

[24] In cross-examination, SP6 went on to explain traumatic asphyxia at p. 44 of appeal record vol. 1 as follows:

S: Dr boleh beritahu Mahkamah apakah dalam kes ini "traumatic asphyxia", boleh berlaku akibat compressed/tekan situation?

J: Memang itu yang berlaku.

MAH: Compress what manner? Sama?

S: Boleh jelaskan sedikit, compressed bagaimana cara?

J: "Traumatic asphyxia", pengalaman saya orang yang tertimbus tanah runtuh, paru-parunya tidak mengembang dan tertekan, tertindih oleh konkrit sebagainya. Ataupun orang ditindih oleh orang yang berat, pun boleh juga. Banyak method, tekanan diaplikasikan kepada dada dalam masa yang lama sehingga dada itu tidak boleh mengembang. Itu yang dinamakan "traumatic asphyxia".

S: That's a result dalam patah rusuk kiri?

J: Dalam "traumatic asphyxia" tidak semestinya ada patah. Tapi dalam hal ini bila patah menunjukkan force itu kuat, kalau force itu perlahan seperti tanah runtuh, kadang-kadang kita tak jumpa pun patah, terhimpit dan tidak boleh mengembang.

A S: Dalam kes ini setuju bahawa satu kemungkinan satu beban yang berat diletakkan/berada atas tubuh si mati sehingga menyebabkan kematian?

J: Setuju.

B **[25]** On the issue of the broken ribs which was explained by SP6 which caused 'traumatic asphyxia', there was not an iota of evidence before the trial court that the appellant had imposed his body weight or he had sat on the deceased's body or he compressed/applied pressure on the deceased's chest which culminated in the deceased death. Though admittedly, SP6 did not rule out that repeated stomping might also result in 'traumatic asphyxia'.

C **[26]** It is in evidence that the deceased was suffering from tuberculosis. Explanation 1 of s. 299 of the Penal Code states as follows:

> Explanation 1-A person who causes bodily injury to another who is labouring under a disorder, disease, or bodily infirmity, and thereby accelerates the death of that other, shall be deemed to have caused his death.

D

In *Murugan Arumugam v. PP* [2013] 5 CLJ 69; [2013] 3 MLJ 340, the Court of Appeal held:

> (1) In analysing the cause of death, particularly where there was the
E emergence of some other disease that could have contributed to the death, the court must look at what is termed as 'the operating cause' or 'the substantive cause' of the death. In this particular case, the 'spinal injury due to blunt force trauma' was the substantive cause of the death (see para 18).

F **[27]** The substantive cause of the deceased's death as stated by SP6 was 'traumatic asphyxia'. We find no evidence from SP6 to show that the acts of the appellant had in anyway accelerated the deceased's death.

[28] Having considered the totality of the evidence, we find that the appellant was not totally blameworthy. The appellant would have known
G that his assault on the deceased would cause bodily injury to the deceased but we are of the view that the appellant would not have known that his assault would most probably result in the deceased's death. Further we note that SP6 had stated that there could have been more than one assailant. Therefore, the death of the deceased could not be attributed to the appellant alone.

H **Conclusion**

[29] For the foregoing reasons, we found the prosecution had failed to establish a *prima facie* case of murder under s. 302 of the Penal Code. However, we found there was sufficient evidence for an offence of culpable homicide not amounting to murder under s. 304(a) of the Penal Code against
I the appellant. Accordingly, the appellant was found guilty, convicted and sentenced to 20 years imprisonment wef 9 September 2014.